



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,528	02/13/2002	Seng Tan	1563 (WRIGHT)	8952

30010 7590 06/16/2006

AUZVILLE JACKSON, JR.
8652 RIO GRANDE ROAD
RICHMOND, VA 23229

EXAMINER

ZEMEL, IRINA SOPJIA

ART UNIT	PAPER NUMBER
----------	--------------

1711

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/075,528	TAN, SENG	
	Examiner	Art Unit	
	Irina S. Zemel	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 17 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 22-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 20, 21 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

ETAILED ACTION

Double Patenting

Claims 17, 20-21, 26-28 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 8-16 of U.S. Patent No. 6,555,589. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons set forth in the Office Action dated 7-16-2004.

In the remarks filed by the applicants on 2-17-2005 the applicants state that the Obviousness type Double Patenting (ODP) rejection issued by the examiner in the Office Action dated 7-16-2004 was obviated by filing a Terminal disclaimer on April 16, 2004. However, upon careful inspection of the file, the examiner noted that the referenced Terminal Disclaimer is related to the US Patent 6,232,354, while the ODP rejection in the Office Action of 7-16-2004 was issued with respect to the claims of US Patent 6,555,589. There is no Terminal Disclaimer on the record with respect to the 6,555,589 patent. Thus, the ODP rejection of pending product claims over the claims of the referenced '589 patent is re-instated.

Furthermore, claims 17, 20-21, 26-28 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7-16 of U.S. Patent No. 6,555,590. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons set forth for the claims of '589 patent in the Office Action dated 7-16-2004.

Art Unit: 1711

The applicants may overcome these rejections either by filing Terminal Disclaimers over the referenced patent or submitting persuasive arguments of non-obviousness of the pending claims over the claims of the referenced patents.

The product claims 17, 20-21, 26-28 as amended are allowable over the prior art of record.

The applicants should further note that the application contains process claims that have been restricted from the product claims in one of the previous office action. The process claims are NOT of the same scope as any of the product claims and, thus, will not be rejoined with the allowable product claims. Therefore, the applicants are advised to either cancel the process claims, or to amend the process claims so that they are completely commensurate in scope with at least one of the allowable product claims.

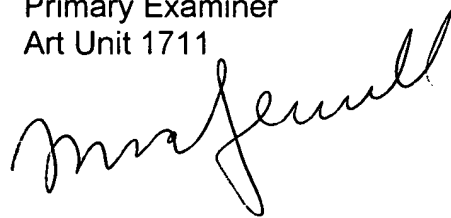
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irina S. Zemel whose telephone number is (571)272-0577. The examiner can normally be reached on Monday-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571)272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Irina S. Zemel
Primary Examiner
Art Unit 1711

A handwritten signature in black ink, appearing to read 'Irina S. Zemel', written in a cursive style.

ISZ